

# State of South Dakota

## EIGHTY-SEVENTH SESSION LEGISLATIVE ASSEMBLY, 2012

645T0863

SENATE BILL NO. \_\_\_\_\_

Introduced by: \_\_\_\_\_

1 FOR AN ACT ENTITLED, An Act to revise certain provisions concerning the issuance of  
2 driver licenses and the suspension of permits upon conviction for certain violations based  
3 on age.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

5 Section 1. That § 32-12-17 be amended to read as follows:

6 32-12-17. Upon payment of the fee established by § 32-12-16, the Department of Public  
7 Safety shall issue an operator's license to each qualifying applicant. An operator's license may  
8 be issued to a minor at least ~~sixteen~~ seventeen years of age but less than eighteen years of age  
9 who has successfully passed all applicable tests and completed the requirements of an  
10 instruction permit as provided in § 32-12-11 or 32-12-11.1, provided that the applicant has not  
11 been convicted of a traffic violation in the past six months, and the applicant is not currently  
12 under suspension, revocation, or disqualification. If any such applicant has successfully  
13 completed a driver education course that has been approved by the Department of Education or  
14 a driver education course that the secretary of the Department of Public Safety has determined  
15 has been approved by a state agency in another state, the required minimum time period for  
16 holding the instruction permit to qualify for the operator's license is ninety continuous days.



Section 2. That § 32-12-17.1 be amended to read as follows:

32-12-17.1. Upon payment of the fee established by § 32-12-16, the Department of Public Safety shall issue a motorcycle operator's license to each qualifying applicant. A motorcycle operator's license may be issued to a minor at least ~~sixteen~~ seventeen years of age but less than eighteen years of age who has successfully passed all applicable tests and completed the requirements of an instruction permit as provided in § 32-12-11 or § 32-12-11.1, if the applicant has not been convicted of a traffic violation during the past six months, and if the applicant is not currently under suspension, revocation, or disqualification. If any applicant has successfully completed the motorcycle safety education courses provided by § 32-20-14 and a driver education class that has been approved by the Department of Education or a driver education course that the secretary of the Department of Public Safety has determined has been approved by a state government agency in another state, the required minimum time period for holding the motorcycle instruction permit to qualify for the motorcycle operator's license is thirty continuous days.

Section 3. That § 32-12-29 be amended to read as follows:

32-12-29. The Department of Public Safety may not issue any license under this chapter to any person who is under the age of ~~sixteen~~ seventeen years, except that the department may issue a restricted minor's permit, motorcycle restricted minor's permit, instruction permit, or motorcycle instruction permit as provided in §§ 32-12-11 to 32-12-15, inclusive, 32-12-11.1, and 32-12-12.1, to any person who is at least fourteen years of age.

Section 4. That § 32-12-15 be amended to read as follows:

32-12-15. The issuance of an instruction permit, motorcycle instruction permit, restricted minor's permit, or motorcycle restricted minor's permit is on a probationary basis. The Department of Public Safety upon the receipt of a record of conviction for a traffic violation or

1 for a violation of the restrictions in §§ 32-12-11, 32-12-11.1, 32-12-12, 32-12-12.1, 32-12-13,  
2 or 32-12-14, committed prior to the minor's ~~sixteenth~~ seventeenth birthday shall suspend the  
3 minor's driving privileges according to the following schedule:

- 4 (1) A felony or Class 1 misdemeanor traffic conviction--suspension until the minor's  
5 ~~sixteenth~~ seventeenth birthday or as otherwise required by law;
- 6 (2) A first Class 2 misdemeanor traffic conviction or a comparable conviction of any  
7 moving traffic violation of a county or municipal ordinance--suspension for thirty  
8 days or as otherwise required by law;
- 9 (3) A first conviction of a violation of the conditions of an instruction permit, a  
10 motorcycle instruction permit, a restricted minor's permit, or a motorcycle restricted  
11 minor's permit--suspension for thirty days or as otherwise required by law;
- 12 (4) A second Class 2 misdemeanor traffic conviction or a comparable conviction of any  
13 moving traffic violation of a county or municipal ordinance--suspension until the  
14 minor's ~~sixteenth~~ seventeenth birthday or for ninety days, whichever period is longer,  
15 or as otherwise required by law; and
- 16 (5) A second conviction of a violation of the conditions of an instruction permit, a  
17 motorcycle instruction permit, a restricted minor's permit, or a motorcycle restricted  
18 minor's permit--suspension until the minor's ~~sixteenth~~ seventeenth birthday or for  
19 ninety days, whichever period is longer, or as otherwise required by law.

20 No permit may be suspended for a first violation of §§ 32-14-9.1, 32-21-27, 32-25-5, 32-26-  
21 20, or 34A-7-7.

22 If a minor has no instruction permit, motorcycle instruction permit, restricted minor's permit,  
23 or motorcycle restricted minor's permit and is convicted of any traffic violation prior to the  
24 minor's ~~sixteenth~~ seventeenth birthday, the department shall suspend or revoke the minor's

1 driving privilege or privilege to apply for a driver license as provided in this section. A  
2 conviction for any traffic violation that occurs prior to the issuance of an instruction permit,  
3 motorcycle instruction permit, restricted minor's permit, motorcycle restricted minor's permit,  
4 motorcycle operator's license or an operator's license shall be placed on the driving record and  
5 given the same consideration as any violation that occurs following the issuance of an  
6 instruction permit, motorcycle instruction permit, restricted minor's permit, motorcycle  
7 restricted minor's permit, motorcycle operator's license, or an operator's license.